EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2007 ("the principal Regulations") by adding and removing permitted procedures and the requirements that apply to them as set out in the new tables to be substituted in the Schedules to the principal Regulations.

The spaying of cattle, sheep, pigs, goats, deer and horses is no longer a permitted procedure and has been removed from the principal Regulations. A number of procedures for the control of animal reproduction and identification have been added to the principal Regulations; namely, ovum transfer, laparoscopic insemination, implantation of a subcutaneous contraceptive, castration, ovidectomy and vasectomy and wing and web tagging of birds.

The principal Regulations specify the procedures to which the offences in section 20(1) and (2) of the Animal Health and Welfare (Scotland) Act 2006 do not apply. Those provisions of that Act make it an offence to carry out, or to cause, or, in specified circumstances, permit another person to carry out, a prohibited procedure on a protected animal. A prohibited procedure is one that involves the interference with the sensitive tissues or bone structure of the animal, otherwise than for the purpose of its medical treatment (see section 20(4) of that Act). A protected animal is one which is of a kind which is commonly domesticated in the British Islands or under the control of man on a permanent or temporary basis or not living in a wild state (see section 17(1) of that Act).

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business, charities or the voluntary sector.